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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---|---|---------------------|
| XIU FANG LUO, |) | No. C 08-0340 PJH |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | RE-NOTICE OF MOTION |
| |) | |
| MICHAEL CHERTOFF, Secretary, |) | Date: July 23, 2008 |
| Department of Homeland Security; EMILIO |) | Time: 9:00 a.m. |
| GONZALEZ, Director, United States |) | Ctrm: 3, 17th Floor |
| Citizenship and Immigration Services; |) | |
| JOSEPH P. RUSSONIELLO,* United |) | |
| States Attorney, California Northern |) | |
| District; ROSEMARY MELVILLE, San |) | |
| Francisco District Director; ROBERT S. |) | |
| MUELLER, III, Director of the Federal |) | |
| Bureau of Investigation, |) | |
| |) | |
| Defendants. |) | |

RE-NOTICE OF MOTION

PLEASE TAKE NOTICE THAT on Wednesday, July 23, 2008 at 9:00 a.m., or as soon thereafter as the matter may be heard, before the Hon. Phyllis J. Hamilton, United States District Judge, 450 Golden Gate Avenue, San Francisco, California, Defendants Michael Chertoff, Secretary of the Department of Homeland Security, et al., by and through their attorneys, Joseph P.

*Pursuant to Fed. R. Civ. P. 25(d)(1), Joseph P. Russoniello is substituted for his predecessor, Scott Schools, as the United States Attorney for the Northern District of California.

RE-NOTICE OF MOTION
No. C 08-0340 PJH

1 Russoniello, United States Attorney, and Melanie L. Proctor, Assistant United States Attorney,
2 Defendants Michael Chertoff, et al., will move this Court to dismiss Defendants Mukasey, Mueller,
3 and Russoniello, and to remand this matter to the agency. Defendants' Motion is based on this
4 notice, the points and authorities in support of this motion, the declaration of Randall Ricks, and the
5 pleadings on file in this matter.

6 Plaintiff's opposition to the motion will be due on July 2, 2008, 21 days prior to the hearing
7 date. Defendants' reply will be due on July 9, 2008, 14 days prior to the hearing date.

8 Dated: June 11, 2008

Respectfully submitted,

9 JOSEPH P. RUSSONIELLO
10 United States Attorney

11 /s/
12 MELANIE L. PROCTOR
13 Assistant United States Attorney
14 Attorneys for Defendants
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CERTIFICATE OF SERVICE

Xiu Fang Luo v. Michael Chertoff, et al.
C 08-0340 PJH

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

Re-Notice of Motion

to be served this date upon the party(ies) as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)** I caused such envelope to be delivered by hand to the person or offices of each addressee below.

☐ **FACSIMILE (FAX)** Telephone No.: _____ I caused each such document to be sent by facsimile to the person or offices of each addressee below.

☐ **FEDERAL EXPRESS**

☐ **CERTIFIED MAIL**

☐ **BY E-MAIL** I caused each such document to be sent by e-mail to the person or offices of each addressee below.

to the party(ies) addressed as follows:

Xiu Fang Luo, Pro Se
63 Mercury Street
San Francisco, California 94124

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 11, 2008 at San Francisco, California.

/s/
CAROL E. WEXELBAUM
Legal Assistant